



STATE OF INDIANA

Request for Proposals 10-44

INDIANA DEPARTMENT OF ADMINISTRATION

On Behalf Of The

INDIANA DEPARTMENT OF CORRECTION

Solicitation For:

Electronic Legal Research Services for Inmates

Response Due Date: Thursday, January 21, 2010

Stephanie Taylor
IDOA Senior Account Manager for FSSA & DCS
Indiana Government Center South
402 W. Washington St., Room W461
Indianapolis, IN 46204

RFP-10-44
SECTION ONE
GENERAL INFORMATION AND REQUESTED PRODUCTS/SERVICES

1.1 INTRODUCTION

In accordance with Indiana statute, including IC 5-22-9, the Indiana Department of Administration (IDOA), acting on behalf of the Indiana Department of Correction, requires Electronic Law Books and Reporters for the Indiana Department of Correction. It is the intent of IDOA to solicit responses to this Request for Proposals (RFP) in accordance with the statement of work, proposal preparation section, and specifications contained in this document. This RFP is being posted to the IDOA website (<http://www.IN.gov/idoa/2354.htm>) for downloading. A nominal fee will be charged for providing hard copies. Neither this RFP nor any response (proposal) submitted hereto are to be construed as a legal offer.

1.2 DEFINITIONS AND ABBREVIATIONS

Following are explanations of terms and abbreviations appearing throughout this RFP. Other special terms may be used in the RFP, but they are more localized and defined where they appear, rather than in the following list.

IAC The Indiana Administrative Code.

IC The Indiana Code.

Facilities All Indiana Department of Correction Adult Correctional Facilities: Currently: Chain O' Lakes Correctional Facility; Edinburgh Correctional Facility; Henryville Correctional Facility; Indianapolis Men's Community Re-entry; Indianapolis Women Community Re-entry; South Bend Community Re-entry; Madison Correctional Facility; Plainfield Re-entry Center; Plainfield Correctional Facility; Branchville Correctional Facility; Correctional Industrial Facility; Putnamville Correctional Facility; Rockville Correctional Facility; Westville Correctional Facility; Miami Correctional Facility; Wabash Valley Correctional Facility; Indiana State Prison; Indiana Women's Prison; Pendleton Correctional Facility; Rockville Correctional Facility; and Reception Diagnostic Center.

Full Time Equivalent (FTE) The State defines FTE as a measurement of an employee's productivity on a specific project or contract. An FTE of 1 would mean that there is one worker fully engaged on a project. If there are two employees each spending 1/2 of their working time on a project that would also equal 1 FTE.

Implementation	The successful implementation of Electronic Law Books and Reporters at the Indiana Department of Correction Correctional Facilities as specified in the contract resulting from this RFP.
Installation	The delivery and physical setup of products or services requested in this RFP.
Legal Research Information	Information that includes electronic law books, case reporters, and legal publications as set forth herein. This information is to be either on, or accessible, through media such as DVD's, CD's, and Replaceable Hard Drives (RHD's). The proposals shall not include proposal to access Legal Research Information on-line or through the internet, as the Indiana Department of Correction does not desire that its offenders have internet access, and the terminals being used will not be expected to have internet access.
Other Governmental Body	An agency, a board, a branch, a bureau, a commission, a council, a department, an institution, an office, or another establishment of any of the following: (1) The judicial branch. (2) The legislative branch. (3) A political subdivision (includes towns, cities, local governments, etc.) (4) A state educational institution (including charter schools)
Products	Tangible goods or manufactured items as specified in this RFP.
Proposal	An offer as defined in IC 5-22-2-17.
Respondent	An offeror as defined in IC 5-22-2-18. The State will not consider a proposal responsive if two or more offerors submit a joint or combined proposal. One entity or individual must be clearly identified as the Respondent who will be ultimately responsible for performance of the contract.
Services	Work to be performed as specified in this RFP.
State	The State of Indiana
State Agency	As defined in IC 4-13-1, "state agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government.

Terminal	Each individual State-owned, or operated, computer work station or electronic kiosk from which the Legal Research Information shall be stored or accessed at each Facility.
Vendor	Any successful Respondent selected as a result of the procurement process to deliver the products or services requested by this RFP.

1.3 PURPOSE OF THE RFP

The purpose of this RFP is to select a vendor that can satisfy the State's need for electronic legal research materials and an associated software retrieval system in order to allow Indiana Department of Correction inmates to access, retrieve, and print selected current legal research information, including case law, and case reporters, from State-owned computer based (non-internet) work stations in Indiana Department of Correction Facilities. It is the intent of the State to contract with a vendor to provide quality electronic legal research information, access and retrieval of this information, and respective licensing, for the IDOC.

1.4.1 SUMMARY SCOPE OF WORK

The Respondent shall provide electronic versions of law books and reporters and other legal research information in a format that allows the searching and printing of information (hereinafter collectively referred to as "Legal Research Information"). This information shall be for access by Indiana Department of Correction offenders and must therefore be in a format that is not connected to the internet but contained in terminals or servers located at IDOC Correctional Facilities. This legal research information is to include the following publications:

- INDIANA CODE (Annotated) or equivalent
- WEST'S INDIANA CASES or WEST'S NORTHEASTERN REPORTERS 2d (1960 to present) or equivalent
- WEST'S INDIANA DIGEST 2d or equivalent
- UNITED STATES CODE ANNOTATED or equivalent
 - Title 18 - Criminal law statutes
 - Title 28 S2241 - 2254 - Post conviction relief statutes
 - Title 28 - All sections pertaining to civil, criminal and appellate procedure
 - Title 42 S1891-2010 - Civil rights statutes
 - Federal Rules of Appellate Procedure
 - Federal Rules of Criminal Procedure
 - Federal Rules of Civil Procedure
- WEST'S SUPREME COURT REPORTER (1960 - present) or equivalent
- FEDERAL SUPPLEMENT (1960 - present)
- FEDERAL REPORTER 2d (1960 - 1993)
- FEDERAL REPORTER 3d (1993 - present) or equivalent

- BLACK'S LAW DICTIONARY (or equivalent)
- SOKOL: FEDERAL HABEAS CORPUS (or equivalent)
- LAFAVE & SCOTT: CRIMINAL LAW HANDBOOK (or equivalent)
- COHEN: LEGAL RESEARCH (or equivalent)
- SHEPARD'S CITATORS (for Federal and Indiana Reporters) or equivalent
- PALMER: CONSTITUTIONAL RIGHTS OF PRISONERS (or equivalent)
- WEST'S FEDERAL PRACTICE DIGEST 3rd and 4th EDITIONS (to present) or equivalent
- Indiana Court Rules
- Ohio Court Rules
- Illinois Court Rules
- Michigan Court Rules
- Kentucky Court Rules
- MANVILLE & BOSTON: PRISONER'S SELF HELP LITIGATION MANUAL (Oceana Publications) or equivalent
- COHEN & GOBERT: RIGHTS OF PRISONERS (Shepards/McGraw Hill) or equivalent
- WEST'S INDIANA RULES OF COURT or other equivalent
- ROBBINS: PATIENTS & THE LAW (Clark, Boardman & Callaghan Co.) (NOTE: Only the New Castle Correctional Center is required to have this publication.) or equivalent
- WEST'S FEDERAL CIVIL JUDICIAL PROCEDURE AND RULES PAMPHLET (published annually) or other equivalent

The Respondent will provide the means and method for the IDOC to download, store, or maintain the Legal Research Information in order to enable up to twelve (12) individual Terminals at each Facility to be capable of accessing, retrieving, and printing this information.

During the Contract term, The Respondent shall provide a non-exclusive, non-transferable, limited license to each IDOC inmate and IDOC law librarian to access and use the Respondent's Legal Research Information for legal research purposes. The Respondent shall provide its licensing terms for the proposed contract. The license terms shall include at a minimum the following:

- The right to electronically display legal research information to no more than two persons at a time.
- The right to obtain printouts of legal research information through use of the printing commands and downloading commands of the software.
- The right to make copies, to the extent provided by copyright law, of authorized printouts and to distribute authorized printouts and copies.

The license shall include the right to store and maintain the legal information on the Indiana Department of Correction Terminals during the contract term.

The Respondent shall indicate in its proposal there will be no limit to the number of IDOC workstations/ terminals IDOC incarcerated offenders and law library staff may use to access the legal research materials as long as those workstations/terminals are being used solely for legal research or assisting incarcerated IDOC offenders with legal research at IDOC workstations or terminals.

The Respondent shall agree that it will provide the Legal Research Information in a format that is compatible with the IDOC's Terminals. The current Terminal format is a Windows based computer workstation. The Respondent shall provide a list of all the electronic media formats in which it can provide the legal research information.

The Respondent will on a quarterly basis update the Legal Research Information to include up to date case law with regard to the included reporters.

1.5 RFP OUTLINE

The outline of this RFP document is described below:

Section	Description
Section 1 – General Information and Requested Products or Services	This section provides an overview of the RFP, general timelines for the process, and a summary of the products/services being solicited by the State/Agency via this RFP
Section 2 – Proposal Preparation Instruction	This section provides instructions on the format and content of the RFP including a Letter of Transmittal, Business Proposal, Technical Proposal, and a Cost Proposal
Section 3 – Proposal Evaluation Criteria	This sections discusses the evaluation criteria to be used to evaluate respondents' proposals
Attachment A	M/WBE Participation Plan Form
Attachment B	Sample Contract
Attachment C	Indiana Economic Impact Form

1.6 QUESTION/INQUIRY PROCESS

All questions/inquiries regarding this RFP must be submitted in writing by the deadline of **3:00 p.m. Eastern Time on December 18, 2009**. Questions/Inquiries may be submitted via fax (317-234-1281) or email rfp@idoa.IN.gov and must be received by Procurement Division by the time and date indicated above.

Following the question/inquiry due date, Procurement Division personnel will compile a list of the questions/inquiries submitted by all Respondents. The responses will be posted to the IDOA website according to the RFP timetable established in Section 1.23. The question/inquiry and answer link will become active after responses to all questions have been compiled. Only answers posted on the IDOA website will be considered official and valid by the State. No Respondent shall rely upon, take any action, or make any decision based upon any verbal communication with any State employee.

Inquiries are not to be directed to any staff member of the Indiana Department of Correction. Such action may disqualify Respondent from further consideration for a contract resulting from this RFP.

If it becomes necessary to revise any part of this RFP, or if additional information is necessary for a clearer interpretation of provisions of this RFP prior to the due date for proposals, an addendum will be posted on the IDOA website. If such addenda issuance is necessary, the Procurement Division may extend the due date and time of proposals to accommodate such additional information requirements, if required.

1.7 DUE DATE FOR PROPOSALS

All proposals must be received at the address below by the Procurement Division no later than **3:00 p.m. Eastern Time on January 21, 2010**. Each Respondent must submit **one original hard-copy** (marked "Original") and **one original CD-ROM (marked "Original") and six (6) complete copies on CD-ROM** of the proposal, including the Transmittal Letter and other related documentation as required in this RFP. The **original CD-ROM** will be considered the official response in evaluating responses for scoring and protest resolution. **The respondent's proposal response on this CD may be posted on the IDOA website, (<http://www.in.gov/idoa/2462.htm>) if recommended for selection.** Each copy of the proposal must follow the format indicated in Section Two of this document. Unnecessarily elaborate brochures or other presentations, beyond those necessary to present a complete and effective proposal, are not desired. All proposals must be addressed to:

Stephanie Taylor
Indiana Department of Administration
Procurement Division
402 West Washington Street, Room W478
Indianapolis, IN 46204

If you hand-deliver solicitation responses:

To facilitate weapons restrictions at Indiana Government Center North and Indiana Government Center South, as of **July 21, 2008**, the public must enter IGC buildings through a designated public entrance. The public entrance to Indiana Government Center South is located at 302 W. Washington St. (the eastern-most Washington St. entrance). This entrance will be equipped with metal detectors and screening devices monitored by Indiana State Police Capitol Police.

Passing through the public entrance may take some time. Please be sure to take this information into consideration if your company plans to submit a solicitation response in person.

If you ship or mail solicitation responses: United States Postal Express and Certified Mail are both delivered to the Government Center Central Mailroom, and not directly to the Procurement Division. It is the responsibility of the Respondent to make sure that solicitation responses are received by the Procurement Division at the Department of Administration's reception desk on or before the designated time and date. Late submissions will not be accepted. The Department of Administration, Procurement Division clock is the official time for all solicitation submissions.

All proposal packages must be clearly marked with the RFP number, due date, and time due. Any proposal received by the Department of Administration, Procurement Division after the due date and time will not be considered. Any late proposals will be returned, unopened, to the Respondent upon request. All rejected proposals not claimed within 30 days of the proposal due date will be destroyed.

No more than one proposal per Respondent may be submitted.

The State accepts no obligations for costs incurred by Respondents in anticipation of being awarded a contract.

All proposals submitted to the State should be double-sided and printed on 30% post-consumer recycled content paper or tree-free paper. When possible, soy ink should be used.

1.8 PRE-PROPOSAL CONFERENCE

A pre-proposal conference will be held on *December 16, 2009 at 1:00pm Eastern Time in the Indiana Government Center South, Conference Room 14*. At this conference, potential respondents may ask questions about the RFP and the RFP process. Respondents are reminded that no answers issued verbally at the conference are binding on the State and any information provided at the conference, unless it is later issued in writing, also is not binding on the State.

1.9 MODIFICATION OR WITHDRAWAL OF OFFERS

Modifications to responses to this RFP may only be made in the manner and format described in Section 1.6 and clearly identified as a modification.

The Respondent's authorized representative may withdraw the proposal, in person, prior to the due date. Proper documentation and identification will be required before the Procurement Division will release the withdrawn proposal. The authorized representative will be required to sign a receipt for the withdrawn proposal.

Modification to, or withdrawal of, a proposal received by the Procurement Division after the exact hour and date specified for receipt of proposals will not be considered.

1.10 PRICING

Pricing on this RFP must be firm and remain open for a period of not less than 180 days from the proposal due date.

Please refer to the Cost Proposal sub-section under Section 2 for a detailed discussion of the proposal pricing format and requirements.

1.11 PROPOSAL CLARIFICATIONS AND DISCUSSIONS, AND CONTRACT DISCUSSIONS

The State reserves the right to request clarifications on proposals submitted to the State. The State also reserves the right to conduct proposal discussions, either oral or written, with Respondents. These discussions could include request for additional information, request for cost or technical proposal revision, etc. Additionally, in conducting discussions, the State may use information derived from proposals submitted by competing respondents only if the identity of the respondent providing the information is not disclosed to others. The State will provide equivalent information to all respondents which have been chosen for discussions. Discussions, along with negotiations with responsible respondents may be conducted for any appropriate purpose.

The Procurement Division will schedule all discussions. Any information gathered through oral discussions must be confirmed in writing.

A sample contract is provided in Attachment B. Any requested changes to the sample contract must be submitted with your response (See Section 2.3.5 for details). The State reserves the right to reject any of these requested changes. It is the State's expectation that any material elements of the contract will be substantially finalized prior to contract award.

1.12 BEST AND FINAL OFFER

The State may request best and final offers from those Respondents determined by the State to be reasonably viable for contract award. However, the State reserves the right to award a contract on the basis of initial proposals received. Therefore, each proposal should contain the Respondent's best terms from a price and technical standpoint.

Following evaluation of the best and final offers, the State may select for final contract negotiations/execution the offers that are most advantageous to the State, considering cost and the evaluation criteria in this RFP.

1.13 REFERENCE SITE VISITS

The State may request a site visit to a Respondent's working support center to aid in the evaluation of the Respondent's proposal. Site visits, if required will be discussed in the technical proposal.

1.14 TYPE AND TERM OF CONTRACT

The State intends to sign a contract with one or more Respondent(s) to fulfill the requirements in this RFP.

The term of the contract shall be for a period of **four (4) years** from the date of contract execution.

1.15 CONFIDENTIAL INFORMATION

Respondents are advised that materials contained in proposals are subject to the Access to Public Records Act (APRA), IC 5-14-3 *et seq.*, and, after the contract award, the entire RFP file may be viewed and copied by any member of the public, including news agencies and competitors. Respondents claiming a statutory exception to the APRA must place all confidential documents (including the requisite number of copies) in a sealed envelope clearly marked "Confidential" and must indicate in the Transmittal Letter and on the outside of that envelope that confidential materials are included. The Respondent must also specify which statutory exception of APRA that applies. The State reserves the right to make determinations of confidentiality. If the Respondent does not identify the statutory exception, the Procurement Division will not consider the submission confidential. If the State does not agree that the information designated is confidential under one of the disclosure exceptions to APRA, it may seek the opinion of the Public Access Counselor. Prices are not confidential information.

1.16 TAXES

Proposals should not include any tax from which the State is exempt.

1.17 PROCUREMENT DIVISION REGISTRATION

In order to receive an award, you must be registered as a bidder with the Department of Administration, Procurement Division. Therefore, to ensure there is no delay in the award all Respondents are strongly encouraged to register prior to submission of their response. Respondents should go to www.in.gov/idoa/2464.htm.

1.18 SECRETARY OF STATE REGISTRATION

If awarded the contract, the Respondent will be required to register, and be in good standing, with the Secretary of State. The registration requirement is applicable to all limited liability partnerships, limited partnerships, corporations, S-corporations, nonprofit

corporations and limited liability companies. Information concerning registration with the Secretary of State may be obtained by contacting:

Secretary of State of Indiana
Corporation Division
402 West Washington Street, E018
Indianapolis, IN 46204
(317) 232-6576
www.in.gov/sos

1.19 COMPLIANCE CERTIFICATION

Responses to this RFP serve as a representation that it has no current or outstanding criminal, civil, or enforcement actions initiated by the State, and it agrees that it will immediately notify the State of any such actions. The Respondent also certifies that neither it nor its principals are presently in arrears in payment of its taxes, permit fees or other statutory, regulatory or judicially required payments to the State. The Respondent agrees that the State may confirm, at any time, that no such liabilities exist, and, if such liabilities are discovered, that State may bar the Respondent from contracting with the State, cancel existing contracts, withhold payments to setoff such obligations, and withhold further payments or purchases until the entity is current in its payments on its liability to the State and has submitted proof of such payment to the State.

1.20 EQUAL OPPORTUNITY COMMITMENT

Pursuant to IC 4-13-16.5 and in accordance with 25 IAC 5, it has been determined that there is a reasonable expectation of minority and woman business enterprises subcontracting opportunities on a contract awarded under this RFP. Therefore a contract goal of 8 % for Minority Business Enterprises and 8 % for Woman Business Enterprises have been established and all respondents will be expected to comply with the regulation set forth in 25 IAC 5.

Failure to meet these requirements will affect the evaluation of your proposal.

1.21 MINORITY & WOMEN'S BUSINESS ENTERPRISES RFP SUBCONTRACTOR COMMITMENT

In accordance with 25 IAC 5-5, the respondent is expected to submit with its proposal a MWBE Subcontractor Commitment Form. The Form must show that there are, participating in the proposed contract, Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) listed in the Minority and Women's Business Enterprises Division (MWBED) directory of certified firms located at <http://www.in.gov/idoa/2352.htm>. If participation is met through use of vendors who supply products and/or services directly to the Respondent, the Respondent must provide a description of products and/or services provided that are directly related to this proposal and the cost of direct supplies for this proposal. Respondents must complete the Subcontractor Commitment Form in its entirety.

Failure to meet these goals will affect the evaluation of your Proposal. The Department reserves the right to verify all information included on the MWBE Subcontractor Commitment Form.

Respondents are encouraged to contact and work with MWBED at 317-232-3061 to design a subcontractor commitment to meet established goals as referenced in this solicitation.

Prime Contractors must ensure that the proposed subcontractors meet the following criteria:

- Must be listed on the IDOA Directory of Certified Firms
- Each firm may only serve as once classification – MBE or WBE
- A Prime Contractor who is an MBE or WBE must meet subcontractor goals by using other listed certified firms. Certified Prime Contractors cannot count their own workforce or companies to meet this requirement.
- Must serve a commercially useful function. The firm must serve a value-added purpose on the engagement.
- Must provide goods or service only in the industry area for which it is certified as listed in the directory at <http://www.in.gov/idoa/2352.htm>
- Must be used to provide the goods or services specific to the contract
- National Corporate Diversity Plans are generally not acceptable

MINORITY & WOMEN’S BUSINESS ENTERPRISES RFP SUBCONTRACTOR LETTER OF COMMITMENT

A signed letter(s), on company letterhead, from the MBE and/or WBE must accompany the MWBE Subcontractor Commitment Form. Each letter shall state and will serve as acknowledgement from the MBE and/or WBE of its subcontract amount, a description of products and/or services to be provided on this project and approximate date the subcontractor will perform work on this contract. The State will deny evaluation points if the letter(s) is not attached, not on company letterhead, not signed and/or does not reference and match the subcontract amount and the anticipated period that the Subcontractor will perform work for this solicitation.

By submission of the Proposal, the Respondent acknowledges and agrees to be bound by the regulatory processes involving the State’s M/WBE Program. Questions involving the regulations governing the MWBE Subcontractor Commitment Form should be directed to: Minority and Women’s Business Enterprises Division at (317) 232-3061 or mwbe@idoa.in.gov.

1.22 AMERICANS WITH DISABILITIES ACT

The Respondent specifically agrees to comply with the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.* and 47 U.S.C. 225).

1.23 SUMMARY OF MILESTONES

The following timeline is only an illustration of the RFP process. The dates associated with each step are not to be considered binding. Due to the unpredictable nature of the evaluation period, these dates are commonly subject to change. At the conclusion of the evaluation process, all Respondents will be informed of the evaluation team's findings.

Key RFP Dates:

Activity	Date
Issue of RFP	December 9, 2009
Pre-Proposal Conference	December 16, 2009
Deadline to Submit Written Questions	December 18, 2009
Response to Written Questions/RFP Amendments	December 29, 2009
Submission of Proposals	January 14, 2010 January 21, 2010
<i>The dates for the following activities are target dates only. These activities may be completed earlier or later than the date shown.</i>	
Proposal Evaluation	January 21, 2010 January 28, 2010
Proposal Discussions/Clarifications (if necessary)	January 28, 2010 February 4, 2010
Oral Presentations (if necessary)	February 2, 2010 February 9, 2010
Best and Final Offers (if necessary)	February 5, 2010 February 15, 2010
Contract Award	February 10, 2010 February 19, 2010

SECTION TWO PROPOSAL PREPARATION INSTRUCTIONS

2.1 GENERAL

To facilitate the timely evaluation of proposals, a standard format for proposal submission has been developed and is described in this section. All Respondents are required to format their proposals in a manner consistent with the guidelines described below:

- Each item must be addressed in the Respondent's proposal.
- The Transmittal Letter must be in the form of a letter. The business and technical proposals must be organized under the specific section titles as listed below.

2.2 TRANSMITTAL LETTER

The Transmittal Letter must address the following topics except those specifically identified as "optional."

2.2.1 Agreement with Requirement in listed in Section 1

The Respondent must explicitly acknowledge understanding of the general information presented in Section 1 and agreement with any requirements/conditions listed in Section 1.

2.2.2 Summary of Ability and Desire to Supply the Required Products or Services

The Transmittal Letter must briefly summarize the Respondent's ability to supply the requested products and/or services that meet the requirements defined in Section 2.4 of this RFP. The letter must also contain a statement indicating the Respondent's willingness to provide the requested products and/or services subject to the terms and conditions set forth in the RFP including, but not limited to, the State's mandatory contract clauses.

2.2.3 Signature of Authorized Representative

A person authorized to commit the Respondent to its representations and who can certify that the information offered in the proposal meets all general conditions including the information requested in Section 2.3.4, must sign the Transmittal Letter. **In the Transmittal Letter, please indicate the principal contact for the proposal along with an address, telephone and fax number as well as an e-mail address, if that contact is different than the individual authorized for signature.**

2.2.4 Respondent Notification

Unless otherwise indicated in the Transmittal Letter, Respondents will be notified via e-mail.

It is the Respondent's obligation to notify the Procurement Division of any changes in any address that may have occurred since the origination of this solicitation. The Procurement Division will not be held responsible for incorrect vendor/contractor addresses.

2.2.5 Other Information

This item is optional. Any other information the Respondent may wish to briefly summarize will be acceptable.

2.3 BUSINESS PROPOSAL

The Business Proposal must address the following topics except those specifically identified as "optional."

2.3.1 General (optional)

This section of the business proposal may be used to introduce or summarize any information the Respondent deems relevant or important to the State's successful acquisition of the products and/or services requested in this RFP.

2.3.2 Respondent's Company Structure

The legal form of the Respondent's business organization, the state in which formed (accompanied by a certificate of authority), the types of business ventures in which the organization is involved, and a chart of the organization are to be included in this section. If the organization includes more than one product division, the division responsible for the development and marketing of the requested products and/or services in the United States must be described in more detail than other components of the organization.

2.3.3 Company Financial Information

This section must include the Respondent's financial statement, including an income statement and balance sheet, for each of the two most recently completed fiscal years. The financial statements must demonstrate the Respondent's financial stability. If the financial statements being provided by the Respondent are those of a parent or holding company, additional financial information should be provided for the entity/organization directly responding to this RFP.

2.3.4 Integrity of Company Structure and Financial Reporting

This section must include a statement indicating that the CEO and/or CFO has taken personal responsibility for the thoroughness and correctness of any/all financial information supplied with this proposal. The particular areas of interest to the State in considering corporate responsibility include the following items: separation of audit functions from corporate boards and board members, if any, the manner in which the organization assures board integrity, and the separation of audit functions and consulting services. The State will consider the information offered in this section to determine the responsibility of the Respondent under IC 5-22-16-1(d).

The Sarbanes Oxley Act of 2002, H.R. 3763, is NOT directly applicable to this procurement; however, its goals and objectives may be used as a guide in the determination of corporate responsibility for financial reports.

2.3.5 Contract Terms/Clauses

A sample contract that the state expects to execute with the successful Respondent(s) is provided in Attachment B. This contract contains both mandatory and non-mandatory clauses. Mandatory clauses are listed below and are non-negotiable. Other clauses are highly desirable. It is the State's expectation that the final contract will be substantially similar to the sample contract provided in Attachment B.

In your Transmittal Letter please indicate acceptance of these mandatory contract terms (see section 2.2.2). In this section please review the rest of the contract and indicate your acceptance of the non-mandatory contract clauses. If a non-mandatory clause is not acceptable as worded, suggest specific alternative wording to address issues raised by the specific clause. If you require additional contract terms please include them in this section. To reiterate it's the State's strong desire to not deviate from the contract provided in the attachment and as such the State reserves the right to reject any and all of these requested changes.

The mandatory contract terms are as follows:

- Authority to Bind Contractor
- Duties of Contractor, Rate of Pay, and Term of Contract
- Compliance with Laws
- Drug-free Workplace Provision and Certification
- Funding Cancellation
- Indemnification
- Governing Laws
- Non-discrimination clause
- Payments
- Penalties/Interest/Attorney's Fees
- Non-collusion and Acceptance
- Information Technology

Any or all portions of this RFP and any or all portions of the Respondents response may be incorporated as part of the final contract

2.3.6 References

The Respondent must include a list of at least **three (3)** clients for whom the Respondent has provided products and/or services that are the same or similar to those products and/or services requested in this RFP. If the client has serviced Correctional Agencies, the Correctional Agencies should be listed before any other clients. Information provided should include the name, address, and telephone number of the client facility and the name, title, and phone/fax numbers of a person who may be contacted for further information.

2.3.7 Registration to do Business

Secretary of State

If awarded the contract, the Respondent will be required to be registered, and be in good standing, with the Secretary of State. The registration

requirement is applicable to all limited liability partnerships, limited partnerships, corporations, S-corporations, nonprofit corporations and limited liability companies. The Respondent must indicate the status of registration, if applicable, in this section of the proposal.

Department of Administration, Procurement Division

Additionally, respondents must be registered with the IDOA. This can be accomplished on-line at <http://www.in.gov/idoa/2464.htm> .

The IDOA Procurement Division maintains two databases of vendor information. The Bidder registration database is set up for vendors to register if you are interested in selling a product or service to the State of Indiana. Respondents may register on-line at no cost to become a Bidder with the State of Indiana. To complete the on-line Bidder registration, go to <http://www.in.gov/idoa/2464.htm>. The Bidder registration offers email notification of upcoming solicitation opportunities, corresponding to the Bidder's area(s) of interest, selected during the registration process. Respondents do need to be registered to bid on and receive email notifications. Completion of the Bidder registration will result in your name being added to the Bidder's Database, for email notification. The Bidder registration requires some general business information, an indication of the types of goods and services you can offer the State of Indiana, and locations(s) within the state that you can supply or service. There is no fee to be placed in Procurement Division's Bidder Database. To receive an award, you must be registered as a bidder.

Problems or questions concerning the registration process or the registration form can be e-mailed to Amey Redding, Vendor Registration Coordinator, aredding@idoa.in.gov, or you may reach her by phone at (317) 234-3542.

2.3.8 Authorizing Document

Respondent personnel signing the Transmittal Letter of the proposal must be legally authorized by the organization to commit the organization contractually. This section shall contain proof of such authority. A copy of corporate bylaws or a corporate resolution adopted by the board of directors indicating this authority will fulfill this requirement.

2.3.9 Subcontractors

The Respondent is responsible for the performance of any obligations that may result from this RFP, and shall not be relieved by the non-performance of any subcontractor. Any Respondent's proposal must identify all subcontractors and describe the contractual relationship

between the Respondent and each subcontractor. Either a copy of the executed subcontract or a letter of agreement over the official signature of the firms involved must accompany each proposal.

Any subcontracts entered into by the Respondent must be in compliance with all State statutes, and will be subject to the provisions thereof. For each portion of the proposed products or services to be provided by a subcontractor, the technical proposal must include the identification of the functions to be provided by the subcontractor and the subcontractor's related qualifications and experience.

The combined qualifications and experience of the Respondent and any or all subcontractors will be considered in the State's evaluation. The Respondent must furnish information to the State as to the amount of the subcontract, the qualifications of the subcontractor for guaranteeing performance, and any other data that may be required by the State. All subcontracts held by the Respondent must be made available upon request for inspection and examination by appropriate State officials, and such relationships must meet with the approval of the State.

The Respondent must list any subcontractor's name, address and the state in which formed that are proposed to be used in providing the required products or services. The subcontractor's responsibilities under the proposal, anticipated dollar amount for subcontract, the subcontractor's form of organization, and an indication from the subcontractor of a willingness to carry out these responsibilities are to be included for each subcontractor. This assurance in no way relieves the Respondent of any responsibilities in responding to this RFP or in completing the commitments documented in the proposal. The Respondent must indicate which, if any, subcontractors qualify as a Minority or Women Owned Business under IC 4-13-16.5-1. See Section 1.21 and Attachment A for Minority and Women Business information.

2.4 TECHNICAL PROPOSAL

The Technical Proposal must be divided into the sections as described below. Every point made in each section must be addressed in the order given. The same outline numbers must be used in the response. RFP language should not be repeated within the response. Where appropriate, supporting documentation may be referenced by a page and paragraph number. However, when this is done, the body of the technical proposal must contain a meaningful summary of the referenced material. The referenced document must be included as an appendix to the technical proposal with referenced sections clearly marked. If there are multiple references or multiple documents, these must be listed and organized for ease of use by the State.

2.4.1 The Respondent shall agree to provide electronic versions of law books and publications reporting case law and other legal research information (hereinafter collectively referred to as “Legal Research Information”) to Indiana Department of Correction Facilities. The provision of these materials will allow these materials to be accessed, searched, and printed from IDOC PC/Windows based workstations. This legal research information is to include the following publications:

- INDIANA CODE (Annotated) or equivalent
- WEST'S INDIANA CASES or WEST'S NORTHEASTERN REPORTERS 2d (1960 to present) or equivalent
- WEST'S INDIANA DIGEST 2d or equivalent
- UNITED STATES CODE ANNOTATED or equivalent
 - Title 18 - Criminal law statutes
 - Title 28 S2241 - 2254 - Post conviction relief statutes
 - Title 28 - All sections pertaining to civil, criminal and appellate procedure
 - Title 42 S1891-2010 - Civil rights statutes
 - Federal Rules of Appellate Procedure
 - Federal Rules of Criminal Procedure
 - Federal Rules of Civil Procedure
- WEST'S SUPREME COURT REPORTER (1960 - present) or equivalent
- FEDERAL SUPPLEMENT (1960 - present)
- FEDERAL REPORTER 2d (1960 - 1993)
- FEDERAL REPORTER 3d (1993 - present)
or equivalent
- BLACK'S LAW DICTIONARY (or equivalent)
- SOKOL: FEDERAL HABEAS CORPUS (or equivalent)
- LAFAVE & SCOTT: CRIMINAL LAW HANDBOOK (or equivalent)
- COHEN: LEGAL RESEARCH (or equivalent)
- SHEPARD'S CITATORS (for Federal and Indiana Reporters) or equivalent
- PALMER: CONSTITUTIONAL RIGHTS OF PRISONERS (or equivalent)
- WEST'S FEDERAL PRACTICE DIGEST 3rd and 4th EDITIONS (to present) or equivalent
- Indiana Court Rules
- Ohio Court Rules
- Illinois Court Rules
- Michigan Court Rules
- Kentucky Court Rules
- MANVILLE & BOSTON: PRISONER'S SELF HELP LITIGATION MANUAL (Oceana Publications) or equivalent
- COHEN & GOBERT: RIGHTS OF PRISONERS (Shepards/McGraw Hill) or equivalent
- WEST'S INDIANA RULES OF COURT or other equivalent
- ROBBINS: PATIENTS & THE LAW (Clark, Boardman & Callaghan Co.)
(NOTE: Only the New Castle Correctional Center is required to have this

- publication.) or equivalent
- WEST'S FEDERAL CIVIL JUDICIAL PROCEDURE AND RULES PAMPHLET (published annually) or other equivalent

Note: Equivalent publications are acceptable for all materials. If an equivalent publication is proposed, the Response should include a statement describing how the other publication is equivalent to the publication listed below. The State reserves the right to determine the equivalency of any proposed publication.

- 2.4.2 The Respondent shall provide a list of the electronic law books and publications it intends to use following the list set forth above. If any substitutions or deletions from the list are to be made, the Respondent shall specify the substitutions and deletions to be made.
- 2.4.3 The Respondent shall agree that it will allow the IDOC, at no additional cost, to add one additional case reporter or law book during each year of the contract term.
- 2.4.4 The Respondent shall agree that it will allow the IDOC to substitute one case reporter or law book for a case reporter or law book being provided at no charge once during each year of the contract term.
- 2.4.5 The Respondent shall indicate in its proposal that it will accomplish the initial loading of its Legal Research Materials, and quarterly updates thereafter, by use of portable or external hard drives that are capable of (a) downloading the Legal Research Materials onto IDOC servers dedicated to law library workstations/terminals; (b) loading the information onto the hard drive of individual workstations or terminals at each IDOC facility; or (c) being continually linked to a dedicated server that is shared by a number of workstations or terminals.
- 2.4.6 During the Contract term, The Respondent shall provide a non-exclusive, non-transferable, limited license to each IDOC inmate and IDOC law librarian to access and use The Respondent's Legal Research Information for legal research purposes. The Respondent shall provide its licensing terms for the proposed contract. The license terms shall include at a minimum the following:
 - The right to electronically display legal research information to no more than two persons at a time.
 - The right to obtain printouts of legal research information through use of the printing commands and downloading commands of the software.
 - The right to make copies, to the extent provided by copyright law, of authorized printouts and to distribute authorized printouts and copies.

- 2.4.7 The proposed license shall include the right to store and maintain the legal information, and Respondent's associated software, on the Indiana Department of Correction Terminals during the contract term.
- 2.4.8 The Respondent shall indicate in its proposal there will be no limit to the number of IDOC workstations/ terminals IDOC incarcerated offenders and law library staff may use to access the legal research materials as long as those workstations/terminals are being used solely for legal research or assisting incarcerated IDOC offenders with legal research at IDOC workstations or terminals.

The following is for informational purposes only: The IDOC estimates there are a total of 120 workstations or terminals currently in use at all IDOC adult correctional facility law libraries. The IDOC anticipates that this total will increase over the contract term to account for increased offender population.

- 2.4.9 The Respondent shall agree that it will provide the Legal Research Information in a format that is compatible with the IDOC's Terminals, which are currently PC based using Microsoft Windows. The Respondent shall provide a list of all the electronic media formats in which it could provide the legal research information.
- 2.4.10 The Respondent shall provide an overview of the search and information retrieval method that will be used to search, retrieve, and print its Legal Research Information. The Respondent shall agree to provide simplified instructions on how to search, retrieve, and print the information to each facility. An example of these instructions shall be included in with the Response this RFP.
- 2.4.10 The Respondent shall agree that it will begin the contract by providing the up-to-date versions of the Legal Research Information it has, and thereafter will provide updates to the legal research information on a quarterly basis.
- 2.4.11 The Respondent shall agree to assist the IDOC with loading the updates into its terminals when requested, and providing assistance with technical issues and problems relating to the installation of the Legal Research Materials.
- 2.4.12 The Respondent shall agree that it will provide telephonic customer support at no additional charge. This customer support will be available during regular business hours Monday through Friday.
- 2.4.13 The Respondent shall agree that to pay for all charges for delivery and retrieval of its media to and from the facilities.
- 2.4.14 The Respondent shall agree to receive payments in monthly installments, in arrears.

2.4.15 The Respondent shall agree should the legal information or the operation thereof become, or in the opinion of the Respondent be likely to become, the subject of a claim of infringement, the IDOC shall permit the Respondent, at its sole option and expense, to either (1) procure for the State the right to continue to access and use the legal information; or (2) to replace or modify the same so that it becomes non-infringing.

2.5 COST PROPOSAL

The Indiana Department of Correction (IDOC) estimates its baseline for cost the above proposed RFP to be at \$224,000 a year for a four year total of \$896,000. The Respondents should state the cost amount, inclusive of all costs and fees, for each year of the contract term. The stated cost should be the same for each year.

2.6 INDIANA ECONOMIC IMPACT

All companies desiring to do business with state agencies must complete an “Indiana Economic Impact” form (Attachment C). The collection and recognition of the information collected with the Indiana Economic Impact form places a strong emphasis on the economic impact a project will have on Indiana and its residents regardless of where a business is located. The collection of this information does not restrict any company or firm from doing business with the state.

2.7 BUY INDIANA INITIATIVE/INDIANA COMPANY

It is the Respondent’s responsibility to confirm its Buy Indiana status for this portion of the process. If a Respondent has previously registered its business with IDOA, go to <http://www.in.gov/idoa/2464.htm> and click on the link to update this registration. Click the tab titled Buy Indiana. Select the appropriate category for your business. Respondents may only select one category. Certify this selection by clicking the check box next to the certification paragraph. Once this is complete, save your selection and exit your account.

Respondents that have not previously registered with IDOA must go to <http://www.in.gov/idoa/2464.htm> and click on the link to register. During the registration process, follow the steps outlined in the paragraph above to certify your business’ status. The registration process should be complete at the time of proposal submission.

Defining an Indiana Business:

“Indiana business” refers to any of the following:

- (1) A business whose principal place of business is located in Indiana.
- (2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
- (3) A business that employs Indiana residents as a majority of its

employees.

Respondents claiming this status must indicate which of the provisions above qualifies them as an Indiana business. They must also fully complete the Indiana Economic Impact Form (Attachment C) and include it with their response.

The following is the policy concerning items 4 & 5 described below. Appropriate documentation must be provided with your proposal response supporting either claim made below:

- (4) A business that makes significant capital investments in Indiana.
- (5) A business that has a substantial positive economic impact on Indiana.

Substantial Capital Investment:

Any company that can demonstrate a minimum capital investment of \$5 million or more in plant and/or equipment or annual lease payments of \$2.5 million or more shall qualify as an Indiana business under category #4. If an out of state company does not meet one of these criteria, it can submit documentation/justification to the State for review for inclusion under this category.

Substantial Indiana Economic Impact:

Any company that is in the top 500 companies (adjusted) for one of the following categories: number of employees (DWD), unemployment taxes (DWD), payroll withholding taxes (DOR), or Corporate Income Taxes (DOR); it shall qualify as an Indiana business under category #5. If a Respondent needs assistance in determining if its business qualifies under this criterion, please send an email inquiry to buyindianainvest@idoa.in.gov and you will receive a response within forty-eight (48) hours. If an out of state company does not meet one of these criteria, it can submit documentation/justification to the State for review for inclusion under this category.

SECTION THREE PROPOSAL EVALUATION

3.1 PROPOSAL EVALUATION PROCEDURE

The State has selected a group of personnel to act as a proposal evaluation team. Subgroups of this team, consisting of one or more team members, will be responsible for evaluating proposals with regard to compliance with RFP requirements. All evaluation personnel will use the evaluation criteria stated in Section 3.2. The Commissioner of IDOA or his designee will, in the exercise of his sole discretion, determine which proposals offer the best means of servicing the interests of the State. The exercise of this discretion will be final.

The procedure for evaluating the proposals against the evaluation criteria will be as follows:

- 3.1.1 Each proposal will be evaluated for adherence to requirements on a pass/fail basis. Proposals that are incomplete or otherwise do not conform to proposal submission requirements may be eliminated from consideration.
- 3.1.2 Each proposal will be evaluated on the basis of the categories included in Section 3.2. A point score has been established for each category.
- 3.1.3 If technical proposals are close to equal, greater weight may be given to price.
- 3.1.4 Based on the results of this evaluation, the qualifying proposal determined to be the most advantageous to the State, taking into account all of the evaluation factors, may be selected by IDOA and the Indiana Department of Correction for further action, such as contract negotiations. If, however, IDOA and the Indiana Department of Correction decide that no proposal is sufficiently advantageous to the State, the State may take whatever further action is deemed necessary to fulfill its needs. If, for any reason, a proposal is selected and it is not possible to consummate a contract with the Respondent, IDOA may begin contract preparation with the next qualified Respondent or determine that no such alternate proposal exists.

3.2 EVALUATION CRITERIA

Proposals will be evaluated based upon the proven ability of the Respondent to satisfy the requirements of the RFP in a cost-effective manner. Each of the evaluation criteria categories is described below with a brief explanation of the basis for evaluation in that category. The points associated with each category are indicated following the category name (total maximum points = 105). Negative points may be assigned in the cost score. Additionally, there is an opportunity for a bonus of five points if certain criteria are met.

For further information, please reference Section 3.2.3 below. If any one or more of the listed criteria on which the responses to this RFP will be evaluated are found to be inconsistent or incompatible with applicable federal laws, regulations or policies, the specific criterion or criteria will be disregarded and the responses will be evaluated and scored without taking into account such criterion or criteria.

Summary of Evaluation Criteria:

Criteria	Points
1. Adherence to Mandatory Requirements	Pass/Fail
2. Management Assessment/Quality (Business and Technical Proposal)	25 points
3. Cost (Cost Proposal)	30 available points (5 bonus points are available if certain criteria is met)
4. Indiana Economic Impact	15
5. Buy Indiana	10
6. Minority (10) and Women Business (10) Subcontractor Commitment	20
Total	100 (105 if bonus awarded)

All proposals will be evaluated using the following approach.

Step 1

In this step proposals will be evaluated only against Criteria 1 to ensure that they adhere to Mandatory Requirements. Any proposals not meeting the Mandatory Requirements will be disqualified.

Step 2

The proposals that meet the Mandatory Requirements will then be scored based on Criteria 2 and 3 ONLY. This scoring will have a maximum possible score of 55 points with a potential of 5 bonus points if certain criteria are met. All proposals will be ranked on the basis of their combined scores for Criteria 2 and 3 ONLY. This ranking will be used to create a “short list”. Any proposal not making the “short list” will not be considered for any further evaluation.

Step 2 may include one or more rounds of proposal discussions focused on cost and other proposal elements.

Step 3

The short-listed proposals will then be evaluated based on all the entire evaluation criteria outlined in the table above.

If the State conducts additional rounds of discussions and a BAFO round which lead to changes in either the technical or cost proposal for the short listed Respondents, their scores will be recomputed.

The section below describes the different evaluation criteria.

- 3.2.1 Adherence to Requirements – Pass/Fail
Respondents passing this category move to Phase 2 and proposal is evaluated for Management Assessment/Quality and Price.

The following 2 categories can not exceed 55 points.

- 3.2.2 Management Assessment/Quality - **25** points

- 3.2.3 Price – **30** points available

Price will be measured against the State’s baseline cost for this scope of work. The cost that the State is currently paying or its best estimate will constitute the baseline cost. Cost scoring points will be assigned as follows:

- Respondents who meet the State’s current baseline cost will receive zero (0) cost points.
- Respondents who propose a decrease to the State’s current costs will receive positive points at the same rate as bid increasing cost.
- Respondents who propose an increase to the State’s current cost will receive negative points at the same rate as bid lowering cost.
- Respondents who propose a 10% decrease to the State’s current baseline cost will receive all of the available cost points.
- If multiple Respondents decrease costs below 10% of the current baseline, an additional 5 points will be added to the Respondent proposing the lowest cost to the State.

- 3.2.4 Indiana Economic Impact (15 points)

See Section 2.6 for additional information.

The total number of full time equivalent (FTE – please see Section 1.2 for a definition of FTE’s) Indiana resident employees for the Respondent’s proposal (prime contractor and subcontractors) will be used to evaluate the Respondent’s Indiana Economic Impact. Points will be awarded based on a graduated scale. The Respondent with the most Indiana FTEs will be awarded 15 points. Points will then be awarded to the remaining Respondents proportionately.

3.2.5 Buy Indiana Initiative – 10 points

Respondents qualifying as an Indiana Company as defined in Section 2.7 will receive 10 points in this category.

3.2.6 Minority (10 points) & Women's Business (10 points) Subcontractor Commitment - (20 points).

The following formula will be used to determine points to be awarded:

The commitment factor for each proposal will be calculated by multiplying the commitment percentage by one hundred. The RFP score ratio will be determined by dividing the maximum allowable points by the highest commitment factor. The proposal with the highest commitment factor will be given the maximum allowable points. The points awarded to the other proposals will be calculated by multiplying the score ratio by the proposed commitment factor.

Commitment percentage * 100 = commitment factor

Maximum allowable points/highest commitment factor = score ratio

Commitment factor * score ratio = points awarded

The Commissioner of IDOA or his designee will, in the exercise of his sole discretion, determine which proposal(s) offer the best means of servicing the interests of the State. The exercise of this discretion will be final.